

228232

LAW OFFICES OF
LOUIS E. GITOMER

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

November 15, 2010

EXPEDITED HANDLING REQUESTED

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
(410) 332-0885

ENTERED
Office of Proceedings

NOV 15 2010
Part of
Public Record

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: **STB Docket No. AB-565 (Sub-No. 17X), *New York Central Lines, LLC –
Abandonment Exemption – in Dutchess County, NY***

Dear Ms. Brown:

CSX Transportation, Inc. ("CSXT") respectfully requests that the Surface Transportation Board (the "Board") grant a five month extension of the consummation date for the portion of the line authorized for abandonment in the above-entitled proceeding that has not been sold for trail use. CSXT is the successor by merger to the New York Central Lines, LLC ("NYC").

By decision and notice of interim trail use or abandonment ("NITU") served on October 15, 2004, the Board, under 49 U.S.C. §10502, exempted from the prior approval requirements of 49 U.S.C. §10903 the abandonment by NYC, of approximately 4.7 miles of railroad line between milepost QCO 0.0 and milepost QCO 3.2 and between milepost QCK 29.5 and milepost QCK 31.0 (the "Line"), in the city and town of Poughkeepsie, Dutchess County, NY.

By decision and NITU served on August 24, 2009, the Board accepted the late-filed request of Poughkeepsie-Highland Bridge Co., Inc., dba Walkway Over the Hudson, a 501(c)(3) non-profit New York corporation ("Walkway") for a NITU to negotiate with CSXT, for trail use for a 0.5-mile portion of the Line between milepost QCK 29.5 and milepost QCK 30.0. CSXT and Walkway consummated a trail use agreement for the 0.5-mile portion of the Line on October 2, 2009.

The Board granted a request by CSXT to extend the negotiating period over the remaining 4.2-mile portion of the Line between milepost QCO 0.0 and milepost QCO 3.2 and between milepost QCK 30.0 and QCK 31.0, located in Dutchess County, NY (the "4.2-mile Line"), until September 14, 2010, and the consummation deadline on November 13, 2010. *New York Central Lines, LLC Abandonment Exemption in Dutchess County, NY*, STB Docket No. AB-565 (Sub-No. 17X) (STB served April 5, 2010). CSXT has attempted to negotiate trail use with Walkway and others and has been unsuccessful to date. CSXT expected an extension request for negotiations to be filed by Walkway or other parties, but none has been filed.

Ms. Cynthia T. Brown
November 15, 2010
Page 2

Pursuant to 49 C.F.R. §1104.7(a), "The last day of the period is included unless it is Saturday ..., in which event the period runs until the end of the next day which is not a Saturday, Sunday or holiday." Since the consummation deadline was Saturday November 13, 2010, by rule, under Section 1104.7(a), the consummation date is today, Monday November 15, 2010. CSXT apologizes to the Board for waiting until the last moment to file this extension, but as was stated above, CSXT believed that a trail use request would have been filed by Walkway, or that another trail use extension request would have been filed.

CSXT is still hopeful that it will be able to reach a trail use agreement on the 4.2-mile Line or to consummate the abandonment. In consummating abandonment, CSXT typically hires a contractor to remove the track and material from the line. CSXT will not be able to finalize negotiations with a contractor for several weeks. By the time an agreement is reached, and even now, the weather in upstate New York will make it difficult to consummate the abandonment.

Therefore, for good cause shown, CSXT respectfully requests a five month extension until Friday April 15, 2011 to consummate the abandonment of the 4.2-mile Line.

Respectfully submitted,



Louis E. Gitomer,

Attorney for CSX Transportation, Inc.

Cc: Parties of Record